(*Chapter I—Preliminary*)

MYSORE ACT No. XIII OF 1952.

THE MYSORE TENANCY ACT, 1952.

(AS AMENDED BY ACT 5 OF 1954.)

(*Received the assent of His Highness the Maharaja on the Seventh Day of April 1952.*)

An Act to regulate the law relating to tenancies of agricultural lands.

Preamble.

WHEREAS it is necessary to regulate the law which governs the relations of landlords and tenants of agricultural lands and to regulate and impose restrictions on the transfer of agricultural lands, dwelling houses, sites and lands appurtenant thereto belonging to or occupied by agriculturists in [1][the State of Mysore except Bellary District] and to make provisions for certain other purposes hereinafter appearing ;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Tenancy Act, 1952.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) This section shall come into force at once ; and the other sections of this Act shall come into force in such local areas and on such dates as the Government may by notification in the *Mysore Gazette* specify.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) " agriculture " includes horticulture, the raising of crops, or garden produce ;

(2) " agriculturist " means a person who cultivates land personally ;

(3) " Amildar " includes any officer not below the rank of an Amildar whom the Government may appoint to perform the duties of an Amildar under this Act ;

1. See the Mysore Adaptation of Laws Order, 1953.

[1][(3A) "commencement of this Act" or "date of commencement of this Act" or "date of coming into force of this Act", in respect of any local area, means the date specified by the Government under sub-section (3) of section 1 in respect of such local area;]

(4) "to cultivate" means to carry on any agricultural operations;

(5) "to cultivate personally" means to cultivate on one's own account—

(*i*) by one's own labour, or

(*ii*) by the labour of any member of one's family, or

(*iii*) by hired labour under one's personal supervision or the personal supervision of any member of one's family, or by servants on wages payable in cash or kind but not in crop share;

Explanation 1.—A tenant who is a minor or is subject to any physical or mental disability shall be deemed to cultivate the land personally if it is cultivated by his servants or by hired labour;

Explanation 2.—In the case of an undivided Hindu family, the land shall be deemed to have been cultivated personally. if it is cultivated personally by any member of such family;

(6) "Government" means the State Government;

(7) "improvement" means with reference to any land, any work which adds to the permanent value of the land and which is suitable thereto as also consistent with the purpose for which it is held; and includes—

(*a*) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes;

(*b*) the construction of works for the drainage of land or for the protection of land from floods or from erosion or other damage from water;

(*c*) the reclaiming, clearing, enclosing, levelling or terracing of land;

(*d*) the erection of buildings on the land, required for the convenient or profitable use of such land for agricultural purposes; and

(*e*) the renewal or reconstruction of any of the foregoing works or alterations therein or additions thereto

1. Inserted by Act 5 of 1954.

as are not of the nature of ordinary repairs; but does not include such clearances, embankments, levellings, enclosures, temporary walls, water channels and other works as are commonly made by the tenants in the ordinary course of agriculture;

(8) "land" means land which is used for agricultural purposes, and includes—

(*a*) the sites of farm buildings appurtenant to land used for agricultural purposes, and

(*b*) the sites of dwelling houses occupied by agriculturists, agricultural labourers or artisans and land appurtenant to such dwelling houses;

(9) "landlord" means a person who has leased land to a tenant and includes a person entitled to receive rent from a tenant or from a person deemed to be a tenant under the provisions of this Act;

(10) "person" includes an undivided Hindu family;

(11) "prescribed" means prescribed by rules made under this Act;

(12) "reasonable rent" means the rent determined under section 12;

(13) "rent" means any consideration, in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but shall not include the rendering of any personal service or labour;

(14) "tenancy" means the relationship of landlord and tenant;

(15) "tenant" means an agriculturist who holds land on lease from a landlord and includes a person who is deemed to be a tenant under the provisions of this Act;

(16) "year" means the year ending on the 31st day of March or on such date as the Government, by a notification in the *Mysore Gazette*, appoint for any locality;

(17) words and expressions used in this Act but not defined shall have the meaning assigned to them in the Mysore Land Revenue Code, 1888, and the Transfer of Property Act, 1882 (Central Act IV of 1882), as the case may be.

CHAPTER II.

GENERAL PROVISIONS REGARDING TENANCIES.

Application of Chapter V of Transfer of Property Act.

3. Notwithstanding anything contained in section 117 of the Transfer of Property Act, 1882, the provisions of Chapter V of the said Act, shall in so far as they are not inconsistent with the provisions of this Act, apply to the tenancies and leases of lands to which this Act applies.

Persons to be deemed tenants.

4. A person lawfully cultivating any land belonging to another person shall be deemed to be a tenant if such land is not cultivated personally by the owner and if such person is not—

(*a*) a member of the owner's family, or

(*b*) a servant on wages payable in cash or kind but not in crop share or a hired labourer cultivating the land under the personal supervision of the owner or any member of the owner's family, or

(*c*) a mortgagee in possession.

No tenancy to be for less than five years.

5. (1) No tenancy of land shall be for a period of less than five years. All tenancies in force [1][on the date of commencement of this Act] shall be deemed to be tenancies for a further period of five years from the date of commencement of this Act.

(2) Notwithstanding any agreement, usage or law to the contrary, no tenancy shall be terminated before the expiry of a period of five years except on the grounds mentioned in section 15:

Provided that with the consent of the landlord any tenancy may be terminated by a tenant before the expiry of a period of five years by surrendering his interest as a tenant in favour of the landlord.

Maximum rent.

6. (1) Notwithstanding any agreement, usage, decree or order of a court or any law, the maximum rent payable in respect of any period after the date of coming into force of this Act by a tenant for the lease of any land shall not exceed one-half of the crop or crops raised on such land or its value as determined in the prescribed manner:

1. Substituted by Act 5 of 1954.

Provided that where the tenant does not cultivate the land the rent payable shall be the reasonable rent to be fixed by the Amildar.

(2) The Government may, by notification in the *Mysore Gazette*, fix a lower rate of the maximum rent payable by the tenants of lands situate in any particular area or may fix such rate on any other suitable basis as they think fit.

Rent.

7. The rent payable by a tenant shall, subject to the maximum rate fixed under section 6, be the rent agreed upon between such tenant and his landlord or in the absence of any such agreement the rent payable according to the usage of the locality or if there is no such agreement or usage, the reasonable rent.

Calculation of rent payable in kind.

8. Notwithstanding any agreement, usage, decree or order of a court or any law, the rent payable in kind or as a crop-share by a tenant for the lease of any land, shall be specified, in the case of any commodity usually calculated—

(*i*) by measure, in terms of the standard palla of one hundred seers, or

(*ii*) by weight, in terms of the standard maund of nine hundred and sixty tolas ;

and no landlord shall recover or receive rent calculated in any manner other than that specified in this section.

Prohibition of receipt of rent in terms of service or labour.

9. (1) Any landlord receiving any rent from any tenant in terms of service or labour shall, within twelve months from the date of coming into force of this Act, apply to the Amildar for commuting such rent into cash. Such application shall be made in such form as may be prescribed.

(2) On receipt of an application under sub-section (1), the Amildar shall, after holding an inquiry, by order in writing, commute such rent into cash rent.

(3) Notwithstanding anything contained in any agreement, usage, decree or order of a court or any law, no landlord shall recover or receive rent in terms of service or labour from the date of coming into force of this Act.

(*Chapter II—General provisions regarding tenancies*)

Refund of rent recovered in contravention of the provisions of the Act and other penalties.

10. If any landlord recovers rent from any tenant in contravention of the provisions of sections 6, 7 or 9, he shall forthwith refund the excess amount recovered to the tenant and shall be liable to pay such compensation to the tenant as may be determined by the Amildar in this behalf.

Abolition of all cesses, etc.

11. Notwithstanding any agreement, usage or law, it shall not be lawful for any landlord to levy any cess, rate, *mamool*, *huk* or tax or service of any description or denomination whatsoever from any tenant in respect of any land held by him as a tenant other than the rent lawfully due in respect of such land.

Enquiries as regards reasonable rent.

12. (1) For the determination of the reasonable rent of any land the tenant or his landlord may apply in writing to the Amildar. Such application shall be in such form as may be prescribed.

(2) On receipt of an application under sub-section (1), the Amildar shall give notice to the landlord or to the tenant, as the case may be, and after holding an inquiry, shall determine the reasonable rent of the land.

(3) In determining the reasonable rent, regard shall, subject to the provisions of section 6, be had to the following factors :—

(*a*) the rental values of lands used for similar purpose in the locality ;

(*b*) the prices of crops and commodities in the locality ;

(*c*) the improvements made in the land by the landlord or tenant ;

(*d*) the assessment payable in respect of the land ; and

(*e*) such other factors as may be prescribed :

Provided that in determining the reasonable rent the Amildar may commute any rent payable wholly, or partly as a crop-share into cash rent.

(4) A tenant may, at any time during the pendency of proceedings under this section, deposit with the Amildar, or if an appeal has been filed, with the Assistant Commissioner or the Deputy Commissioner, as the case may be, a sum equal to the amount of rent if the rent is payable

in cash or a sum equal to the value of crop-share, if the rent is payable as a crop-share which, if no proceedings had been instituted under this section he would have been liable to pay in respect of the land of which the reasonable rent is to be determined. On the completion of proceedings, the Amildar, the Assistant Commissioner or the Deputy Commissioner shall direct that the amount so deposited or such part of it as is equal to the amount determined as reasonable rent under this section, shall be paid to the landlord and shall make such other order as may be necessary.

(5) Every order passed by the Amildar under this section if not appealed against, and every order passed by the Assistant Commissioner or the Deputy Commissioner in appeal shall hold good for the remaining period of the tenancy and shall not be called in question during that period :

Provided that the Amildar, the Assistant Commissioner or the Deputy Commissioner, as the case may be, may, during such period—

(i) reduce the rent, if on an application made to him by a tenant, the Amildar or the Assistant Commissioner or the Deputy Commissioner, as the case may be, is satisfied that,

(*a*) on account of deterioration of the land by floods or other cause beyond the control of the tenant, the land has been wholly or partially rendered unfit for the purposes of cultivation, or

(*b*) the tenant has with the consent of the landlord incurred any expenditure on account of improvement made on the land, or

(ii) enhance the rent, if on an application made to him by a landlord, the Amildar or the Assistant Commissioner or the Deputy Commissioner, as the case may be, is satisfied that on account of any improvement made in the land by or at the expense of the landlord or by the Government, the produce of the land is increased.

Reduction of rent.

13. (1) Where the rent payable by a tenant under section 7 is not the reasonable rent, the Amildar may reduce the rent, if on an application made to him by a

tenant, the Amildar is, after notice to the landlord and after an enquiry, satisfied—

(*a*) that the circumstances specified in sub-clause (*a*) or (*b*) of clause (i) of the proviso to sub-section (5) of section 12 exist ; or

(*b*) that on account of any pest or other cause beyond the control of the tenant, the crop has been wholly or partially damaged.

(2) Every order of an Amildar under sub-section (1) shall specify the period during which the reduced rent shall be operative : provided that no order reducing the rent on the ground specified in clause (*b*) of sub-section (1) shall be made applicable to any period other than the year in which the crop was damaged.

(3) Every order passed by the Amildar under this section if not appealed against and every order passed by the Assistant Commissioner or Deputy Commissioner on appeal or second appeal, as the case may be, shall hold good for the period specified in the order and shall not be called in question during that period.

Suspensions or remissions of rent.

14. (1) Notwithstanding anything contained in section 87-A of the Mysore Land Revenue Code, 1888, whenever from any cause, the payment of the whole land revenue payable to Government by a landlord in respect of any land, is suspended or remitted, the landlord shall suspend or remit, as the case may be, the payment to him of the rent of such land by his tenant. If, in the case of such land, the land revenue is partially suspended or remitted, the landlord shall suspend or remit the rent payable by the tenant of such land in the same proportion.

(2) If no land revenue is payable to Government in respect of such land and if from any cause the payment of the whole or any part of the land revenue payable to Government in respect of any other land in the neighbourhood of such land has been suspended or remitted, the Deputy Commissioner shall, subject to the general or special orders of Government, in the manner provided in sub-section (1), suspend or remit, as the case may be, the payment to the landlord of the rent or part of it due in respect of such land.

(*Chapter II—General provisions regarding tenancies*)

(3) No application for assistance under sections 97 and 98 of the Mysore Land Revenue Code, 1888, shall be entertained, no suit shall lie and no decree of a civil court shall be executed for recovery by a landlord of any rent, the payment of which has been remitted, or during the period for which the payment of such rent has been suspended under this section. The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed for any suit or proceeding for the recovery of such rent.

(4) Notwithstanding anything contained in sections 97 and 98 of the Mysore Land Revenue Code, 1888, the Deputy Commissioner shall, in passing an order under section 98 of the said Code, for rendering assistance to the landlord, allow to the tenant a set-off for the sum, if any, paid by such tenant to the landlord in excess of the amount of rent due from him after deducting the amount required to be remitted under sub-section (1) or sub-section (2) of this section or under section 87-A of the said Code. The set-off under this sub-section shall be allowed only in respect of the sums paid by such tenant to such landlord during a period of three years immediately preceding the date of the application made under section 97 of the said Code.

(5) If any landlord fails to suspend or remit the payment of rent as provided in this section, he shall be liable to refund to the tenant the amount recovered by him in contravention of this section. The tenant may apply to the Amildar for the recovery of the amount and the Amildar may, after making an inquiry, make an order for the refund.

Termination of tenancy.

15. (1) Notwithstanding any agreement, usage, decree or order of a court of law, the tenancy of any land held by a tenant shall not be terminated, unless such tenant,

(*a*) (i) has failed to pay the rent of such land for any year, or

(ii) if an application for the determination of reasonable rent is pending before the Amildar or the Assistant Commissioner or the Deputy Commissioner under section 12, has failed to deposit with the Amildar or the Assistant Commissioner or the Deputy Commissioner, as the case may be, a sum equal to

the amount of rent which he would have been liable to pay for that year if no such application had been made, or

(iii) in case the reasonable rent determined under section 12 is higher than the sum deposited by him, has failed to pay the balance due from him within two months from the date of the decision of the Amildar or the Assistant Commissioner or the Deputy Commissioner, as the case may be,

(*b*) had done any act which is destructive or permanently injurious to the land;

(*c*) has sub-divided the land;

(*d*) has sub-let the land or failed to cultivate it personally;

(*e*) has left the land fallow; or

(*f*) has used such land for a purpose other than agriculture.

(2) In the case of a tenant, the duration of whose tenancy is for a period of five years or more, the tenancy shall terminate at the expiration of such period, unless the landlord has, by the acceptance of rent or by any other act or conduct of his, allowed the tenant to hold over within the meaning of section 116 of the Transfer of Property Act, 1882.

(3) Notwithstanding anything contained in sub-section (1), the tenancy of any land held by a tenant who is a widow or a minor or who is subject to physical or mental disability, shall not be liable to be terminated under the said sub-section, only on the ground that such land has been sub-let on behalf of the said tenant.

Termination of tenancy where tenant has held land continuously for twelve years or more.

16. (1) Notwithstanding anything to the contrary contained in this Act, or any other law for the time being in force or any agreement, usage, decree or order of a court the tenancy of any land held by a tenant continuously for a period exceeding twelve years prior to the 1st day of April 1951 shall not be terminated, except on any one or more of the grounds specified in sub-section (1) of section 15, or on the ground that the landlord requires the land for cultivating personally.

(2) The tenancy shall be terminated in respect only of such area not being less than one half of the area of cultivable land held by the tenant under the said landlord as may be determined by such authority and in such manner as may be prescribed, after a period of not less than one year from the date of notice expiring with the end of the year.

(3) If after the landlord has taken possession of the land after the termination of the tenancy on the ground that he requires the land for cultivating personally, he fails to cultivate it personally within a period of two years from the date on which he obtained possession of the land, the landlord shall forthwith restore possession of the land to the tenant whose tenancy was terminated by him, unless he has obtained from the tenant his refusal in writing to accept the tenancy on the same terms and conditions or has offered in writing to give possession of the land to the tenant on the same terms and conditions and the tenant has failed to accept the offer within three months of the receipt thereof.

(4) After the tenant has recovered possession under sub-section (3) he shall, subject to the provisions of this Act, hold such land on the same terms and conditions on which he held it at the time his tenancy in respect of such land was terminated.

(5) If the landlord has failed to restore possession as provided in sub-section (3) he shall be liable to pay such compensation to the tenant as may be determined by the Amildar for the loss suffered by the tenant on account of eviction.

Tenancy deemed to be renewed for five years if the tenant allowed to hold over.

17. Where the period of tenancy of any tenant has expired and if such tenant has been allowed to hold over under sub-section (2) of section 15, the tenancy of such tenant shall be deemed to have been renewed for a further period of five years from the date of its expiry on the same terms and conditions as before.

Bar to eviction from dwelling house.

18. If, in any village, a tenant is in occupation of a dwelling house built prior to the commencement of this Act at the expense of such tenant, or his predecessor-in-title on a site belonging to his landlord, such tenant shall not be evicted from such dwelling house (with the materials

and the site thereof and the land immediately appurtenant thereto and necessary for its enjoyment) unless—

(*a*) the landlord proves that the dwelling house was not built at the expense of such tenant or his predecessor-in-title, and

(*b*) such tenant makes a default in the payment of rent, if any, which he has been paying for the use and occupation of such site.

Tenant to be given first option of purchasing site on which he has built a dwelling house.

19. (1) If a landlord to whom the site referred to in section 18 belongs, intends to sell such site, the tenant, at the expense of whom or whose predecessor-in-title a dwelling house is built thereon, shall be given in the manner provided in sub-section (2), the first option of purchasing the site at a value determined by the Amildar.

(2) The landlord intending to sell such site, shall give notice in writing to the tenant, requiring him to state within three months from the date of service of such notice, whether he is willing to purchase the site.

(3) If, within the period of three months so specified, the tenant intimates in writing to the landlord that he is willing to purchase the site, the landlord shall make an application to the Amildar for the determination of the value of the site. On receipt of such application, the Amildar, after giving notice to the tenant and after holding an enquiry, shall determine the value of the site. The Amildar may, by an order in writing, require the tenant to deposit the amount of value of such site within three months from the date of such order. On the deposit of such amount, the site shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landlord. The Amildar shall, on payment of the prescribed fee, grant a certificate in the prescribed form to such tenant specifying therein the site so transferred and the name of such tenant and such certificate on registration shall be conclusive evidence of such transfer.

(4) If the tenant fails to intimate his willingness to purchase the site within the time specified in sub-section (2) or fails to deposit the amount of the value within the time specified in sub-section (3), the tenant shall be

deemed to have relinquished his right of first option to purchase the site and the landlord shall then be entitled to evict the tenant either on payment of such compensation for the value of the structure of such dwelling house as may be determined by the Amildar or allow the tenant at his option to remove the materials of the structure.

(5) Any sale of a site held in contravention of this section shall be null and void.

Eviction from dwelling house built after commencement of the Act.

20. If, in any village, a tenant is in occupation of a dwelling house built after the commencement of this Act at the expense of such tenant on a site belonging to his landlord, the provisions of sections 18 and 19 shall apply only if such dwelling house was built with the permission of the landlord.

Landlord evicting tenant from dwelling house on termination of tenancy to pay compensation or permit removal of structure.

21. Notwithstanding anything contained in sections 18 and 20, where a tenant is in occupation of a dwelling house built at his expense or at the expense of his predecessor-in-title on a site belonging to his landlord and the tenancy of such tenant in respect of the land held by him has been terminated under the provisions of this Act, the landlord shall be entitled to evict the tenant from such dwelling house on the termination of the tenancy in respect of the land, either on payment of such compensation to the tenant for the value of the structure of such dwelling house as may be determined by the Amildar or on allowing the tenant at his option to remove the materials of the structure :

Provided that if the Amildar orders the payment of compensation, the amount of compensation to be paid shall be fixed by the Amildar.

Tenant to be given first option of purchasing land leased to him.

22. (1) If a landlord intends to sell any land leased to a tenant, such tenant shall be given in the manner provided in sub-section (2), the first option of purchasing the land.

(2) The landlord intending to sell the land shall give notice in writing to the tenant specifying the price of such land and requiring the tenant to state within one month from the date of service of such notice whether he is willing to purchase the land at such price.

(3) If, within the period of one month so specified, the tenant intimates in writing to the landlord that he is willing to purchase the land at such price, the landlord shall make an application to the Amildar for recovery and payment of the price. The Amildar shall thereupon, by an order in writing, require the tenant to deposit the amount of the price of such land within one month from the date of such order. On the deposit of such amount the land shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landlord. The Amildar shall, on payment of the prescribed fee, grant a certificate in the prescribed form to such tenant declaring him to be the purchaser of the land. Such certificate on registration shall be conclusive evidence of the sale.

(4) If the tenant fails to intimate his willingness to purchase the land within the time specified in sub-section (2) or fails to deposit the amount of the price of the land within the time specified in sub-section (3), the tenant shall be deemed to have relinquished his right of first option to purchase the land and the landlord shall then be entitled to sell the land to any other person at a price not less than the price at which the land was offered to the tenant under sub-section (2).

(5) Any sale of land held in contravention of this section shall be null and void.

Sub-letting of land by or on behalf of person in military, naval or air service of the Union not to terminate tenancy.

23. Notwithstanding anything contained in this Act, or any other law for the time being in force or any agreement or usage,—

(*a*) the tenancy of any land leased by or on behalf of a person in the military, naval or air service of the Union may be terminated—

(i) before the expiry of the period of five years specified in section 5 ; or

(ii) where the tenancy is for a period of more than five years, at any time, before the expiry of such period if such person, on his release from the army, navy or air force, requires the land to cultivate personally ;

(*b*) the tenancy of any land leased to and held by a person in the military, naval or air service of the Union, shall not be liable to be terminated on the ground only that the land has been sub-let by or on behalf of the said person.

Relief against termination of tenancy in certain cases.

24. When any tenancy of any land held by any tenant is terminated on the ground that the tenant has done any act which is destructive or permanently injurious to the land, no proceedings for ejectment against such tenant shall lie unless and until the landlord has served on the tenant, a notice in writing, specifying the act of destruction or injury complained of and the tenant fails, within a period of three months from the service of notice, to restore the land to the condition in which it was before such destruction or injury.

Relief against termination of tenancy for non-payment of rent.

25. Where any tenancy of any land held by any tenant is terminated for non-payment of rent and the landlord files any proceedings to eject the tenant, the Amildar shall call upon the tenant to tender to the landlord the rent in arrears together with the cost of the proceedings, within such reasonable time not exceeding one year as the Amildar may specify and if the tenant complies with such order, the Amildar shall, in lieu of making an order for ejectment pass an order directing that the tenancy had not been terminated and thereupon the tenant shall hold the land as if the tenancy had not been terminated :

Provided that nothing in this section shall apply to any tenant whose tenancy is terminated for non-payment of rent if he has failed for any two years to pay rent within the period specified in section 15.

Receipts for rent.

26. (1) In the absence of an express intimation in writing to the contrary by a tenant, every payment made by a tenant to the landlord shall be presumed to be a payment on account of rent due by such tenant for the year in which the payment is made.

(2) Every landlord shall on the written request of the tenant give a written receipt for the amount of rent at the time when such amount is received by him in respect of any land in such form and in such manner as may be prescribed.

(Chapter II—General provisions regarding tenancies)

Sub-division, sub-letting and assignment prohibited.

27. No sub-division or sub-letting of the land or assignment of any interest held by a tenant shall be valid. Such sub-division, sub-letting or assignment shall make the tenancy liable to termination :

Provided that nothing in this sub-section shall prejudicially affect the rights of a permanent tenant or any tenant the duration of whose tenancy is presumed to be co-extensive with the duration of the tenure of the landlord under section 79 of the Mysore Land Revenue Code, 1888 or any tenant the duration of whose tenancy exceeds twenty years.

Bar to attachment, seizure or sale by process of court.

28. Save as expressly provided in this Act, any interest in the land held by a tenant, shall not be liable to be attached, seized or sold in execution of a decree or order of a civil court.

Bar to interference with cultivation, etc.

[1][**28-A.** (1) No landlord either himself or through any person acting on his behalf shall, save in accordance with any law for the time being in force, interfere with the cultivation of the land leased to a tenant or deprive him of possession of such land.

(2) If any landlord contravenes the provisions of sub-section (1), the tenant may apply in writing to the Amildar complaining of such contravention.

(3) On receipt of an application under sub-section (2) the Amildar shall, after holding an enquiry and without prejudice to any action against the landlord under section 42, pass such order on the application as the Amildar deems fit including a direction to the landlord for the payment of such compensation to the tenant as the Amildar may determine.]

Procedure of taking possession.

29. (1) A tenant or landlord entitled to possession of any land or dwelling house under any of the provisions of this Act, may apply in writing for such possession, to the Amildar. The application shall be made in such form as may be prescribed.

1. Inserted by Act 5 of 1954.

(2) No landlord shall during the period of tenancy obtain possession of any land held by a tenant except under an order of the Amildar. For obtaining such order, he shall make an application in the prescribed form.

(3) On receipt of an application under sub-section (1) or (2), the Amildar shall, after holding an enquiry, pass such order thereon, as he deems fit.

(4) Any person taking possession of any land or dwelling house except in accordance with the provisions of sub-section (1) or (2), as the case may be, shall be liable to forfeiture of crops, if any, grown on the land in addition to payment of costs as may be directed by the Amildar or by the Assistant Commissioner or by the Deputy Commissioner and also to the penalty prescribed in section 42.

Procedure for recovery of rent.

30. (1) Notwithstanding anything contained in any agreement or in any law, proceedings by a landlord for recovery of rent payable to him by a tenant shall be only by means of an application to the Amildar. Such application may be in such form as may be prescribed.

(2) On receipt of the application under sub-section (1), the Amildar shall, after holding an enquiry, pass such order thereon, as he deems fit.

(3) The provision of section 98 of the Mysore Land Revenue Code, 1888, shall apply to the recovery of the rent ordered to be paid under sub-section (2).

Act not to affect rights or privileges of tenant under any other law.

31. Save as otherwise provided in section 27, no other provision contained in this Act shall be construed to limit or abridge the rights or privileges of any tenant under any usage or law for the time being in force or arising out of any contract, grant, decree or order of a court or otherwise howsoever.

(Chapter III—Procedure and jurisdiction of Amildar and Appeals)

CHAPTER III.

PROCEDURE AND JURISDICTION OF AMILDAR AND APPEALS.

Duties of the Amildar.

32. For the purposes of this Act, the following shall be the duties and functions to be performed by the Amildar:—

(*a*) to decide whether a person is an agriculturist;

(*b*) to decide whether a person is a tenant;

(*c*) to determine the value of the crop of the land under section 6;

(*d*) to determine the amount of the commutation of the rent received in terms of labour or service under section 9;

(*e*) to determine the amount of compensation under section 10 for the contravention of sections 6, 7 and 9;

(*f*) to decide what is the reasonable rent under section 12;

(*g*) to determine the amount to be refunded to a tenant under sub-section (5) of section 14;

(*h*) to determine the value of the site of a dwelling house under section 19;

(*i*) to take action in respect of the transfer of land to a tenant under section 22;

(*j*) to decide disputes relating to recovery of rents under section 30;

(*k*) to take measures for putting the tenant or landlord into the possession of the land or dwelling house under the Act; and

(*l*) to decide such other matters as may be referred to him by or under this Act.

Commencement of proceedings.

33. Save as expressly provided by or under this Act, all inquiries and other proceedings before the Amildar, shall be commenced by an application which shall contain such particulars as may be prescribed.

Procedure.

34. In all inquiries and proceedings commenced on the presentation of application under section 33, the Amildar shall exercise the same powers as under Chapter XII of the Mysore Land Revenue Code, 1888, and shall follow

the provisions of the said Code. In regard to matters which are not provided for in the said Code, the Amildar shall follow such procedure as may be prescribed. Every decision of the Amildar shall be recorded in the form of an order which shall state reasons for such decision.

Execution of order for payment of money or for restoring possession.

35. (1) Any sum the payment of which has been directed by an order of the Amildar including an order awarding costs shall be recoverable from the person ordered to pay the same as an arrear of Land Revenue.

(2) An order of the Amildar awarding possession or restoring possession or use of any land shall be executed in such manner as may be prescribed.

Appeals.

36. (1) An appeal may be filed to the Assistant Commissioner having jurisdiction against the orders of the Amildar under this Act and a second appeal may be filed to the Deputy Commissioner against the orders of the Assistant Commissioner on such appeal.

(2) Save as otherwise provided in this Act, the provisions of Chapter XIII of the Mysore Land Revenue Code, 1888, shall apply to appeals to the Assistant Commissioner or to the Deputy Commissioner under this Act. The Assistant Commissioner and the Deputy Commissioner shall on appeal have power to award costs.

Revision.

37. (1) An application for revision may be made to the Government against any order of the Deputy Commissioner on the following grounds only:—

(*a*) that the order of the Deputy Commissioner was contrary to law;

(*b*) that the Deputy Commissioner failed to determine some material issue of law; or

(*c*) that there was a substantial defect in following the procedure provided by this Act, which has resulted in the miscarriage of justice.

(2) In deciding applications under this section, the Government shall follow such procedure as may be prescribed.

(Chapter III—Procedure and jurisdiction of Amildar and Appeals)

Court-fees.

38. Notwithstanding anything contained in the Mysore Court-fees Act, 1900, every application of appeal made under this Act to the Amildar, the Assistant Commissioner, Deputy Commissioner or the Government, shall bear a court-fee stamp of such value as may be prescribed.

Orders in appeal or revision.

39. (1) The Assistant Commissioner or the Deputy Commissioner in appeal and the Government in revision may confirm, modify or rescind the order in appeal or revision or its execution or may pass such other order as may seem legal and just in accordance with the provisions of this Act.

(2) The orders of the Assistant Commissioner or the Deputy Commissioner in appeal or of the Government in revision shall be executed in the manner provided for the execution of the orders of the Amildar under section 35.

Limitation.

40. (1) Every appeal under this Act from an order of the Amildar or the Assistant Commissioner shall be filed within a period of thirty days from the date of such order.

(2) Every application for revision under this Act from the order of the Amildar or the Assistant Commissioner or the Deputy Commissioner, as the case may be, shall be filed within a period of sixty days from the date of the order.

(3) The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal or application for revision.

Inquiries and proceedings to be judicial proceedings.

41. All inquiries and proceedings before the Amildar, the Assistant Commissioner, the Deputy Commissioner, and the Government, shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of Indian Penal Code.

CHAPTER IV.

OFFENCES AND PENALTIES.

Offences and penalties.

42. (1) Whoever contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following table shall, on conviction for each such offence, be punishable with fine which may extend to the amount mentioned in that behalf in the third column of the said table :—

Section, sub-section or clause	Subject	Maximum fine which may be imposed
		Rs.
Section 5 (2)	Termination of tenancy by a landlord before the expiry of the period of five years.	250
Section 8	Recovery of rent in kind or by way of crop-share contrary to section 8.	100
Section 9 (3)	Receipt of rent in form of labour or service.	250
Section 11	Levy of cess, rate, *mamool*, *huk*, tax or service.	250
Section 26 (2)	Failure to give written receipt for the amount of rent received.	100
[1][Section 28A (1).	Interference with cultivation of land leased to a tenant or deprivation of possession of such land.	250]
Section [2][29]	Taking possession of land contrary to section 29.	250

(2) All offences under this Act shall be compoundable

1. Inserted by Act 5 of 1954.
2. Substituted by Act 5 of 1954.

CHAPTER V.

MISCELLANEOUS.

Rules.

43. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for the following matters :—

(*a*) the manner of determining the value of the crop of the land under section 6 ;

(*b*) the penalty to be recovered under section 10 ;

(*c*) the other factors to be taken into consideration for determining reasonable rent under section 12 ;

(*d*) the fees to be paid for the grant of a certificate under sub-section (3) of section 19 and sub-section (3) of section 22 ;

(*e*) the authority and the manner of determining the area in respect of which tenancy may be terminated under item (*b*) of sub-section (2) of section 16 ;

(*f*) the manner and the form in which a receipt is to be given by the landlord under section 26 ;

(*g*) the other procedure to be followed by the Amildar under section 34 ;

(*h*) the value of the court-fee stamp payable on an application to the Amildar or on an application or appeal to the Assistant Commissioner or the Deputy Commissioner under section 38 ;

(*i*) any other matter which is or may be prescribed under this Act.

(3) Rules made under this section shall be subject to the condition of previous publication in the *Mysore Gazette*.

Delegation of powers.

44. The Government may, subject to such restrictions and conditions as they may impose, by notification in the *Mysore Gazette*, delegate to any of their officers, not

below the rank of a Deputy Commissioner, all or any of the powers conferred on them by this Act.

Summary eviction.

45. Any person unauthorisedly occupying or wrongfully in possession of any land,—

(*a*) the transfer of which either by the act of parties or by the operation of law is invalid under the provisions of this Act ; or

(*b*) to the use and occupation of which he is not entitled under the said provisions, and the said provisions do not provide for the eviction of such persons, may be summarily evicted by the Deputy Commissioner.

Bar of jurisdiction.

46. (1) No civil court shall have jurisdiction to settle, decide or deal with any question which is, by or under this Act, required to be settled, decided or dealt with by the Amildar, the Assistant Commissioner, the Deputy Commissioner or the Government, in appeal or revision.

(2) No order of the Amildar, the Assistant Commissioner, the Deputy Commissioner or the Government made under this Act shall be questioned in any civil or criminal court.

Indemnity.

47. No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

Act not to apply to certain lands and areas.

48. Nothing in the foregoing provisions of this Act shall apply—

(*a*) to lands belonging to and held on lease from the Government or the Central Government, a local authority or a co-operative society registered or deemed to be registered under the Mysore Co-operative Societies Act, 1948;

(*b*) to any area or to such lands in any area which the Government may, from time to time, by notification in the *Mysore Gazette*, specify as being reserved for urban non-agricultural or industrial development or for any public purpose.